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11 Attorneys for Plaintiff

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA DIVISION

14 THE BOARD OF TRUSTEES, in their capacities
 15 as Trustees of the LABORERS HEALTH AND
 16 WELFARE TRUST FUND FOR NORTHERN
 17 CALIFORNIA; LABORERS VACATION-
 18 HOLIDAY TRUST FUND FOR NORTHERN
 19 CALIFORNIA; LABORERS PENSION TRUST
 20 FUND FOR NORTHERN CALIFORNIA; and
 21 LABORERS TRAINING AND RETRAINING
 22 TRUST FUND FOR NORTHERN
 23 CALIFORNIA,

24 Plaintiff,

25 v.

26 PROTECH SERVICES, INC., a California
 27 corporation, individually and doing business as
 28 PROTECH GENERAL CONTRACTING
 SERVICES

Defendant.

No. 12-cv-1047 MEJ

**EX PARTE APPLICATION FOR
 CONTINUANCE OF CASE
 MANAGEMENT CONFERENCE;
 (PROPOSED) ORDER**

**TO: THE CLERK OF THE COURT AND DEFENDANT PENINSULA BUILDERS, INC.,
 A California Corporation:**

Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case
 Management Conference scheduled for June 14, 2012 at 10:00 a.m. be continued for ninety days

1 to allow Plaintiffs additional time to locate and serve Defendant with the Complaint and
2 Summons.

3 Plaintiffs filed its Complaint in this matter on February 23, 2012. Since that time,
4 Plaintiffs have attempted to serve Defendant with the Summons and Complaint in this matter, but
5 have been unable to do so. Given these facts, Plaintiffs request that Case Management
6 Conference be continued for ninety days in order to allow Plaintiffs additional time to locate and
7 serve Defendant.

8 The above stated facts are set forth in the accompanying Declaration of Concepción E.
9 Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference,
10 filed herewith.

11 Dated: June 4, 2012

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13 WEINBERG, ROGER & ROSENFELD
14 A Professional Corporation

15 By: /s/ Concepción E. Lozano-Batista
16 CONCEPCIÓN E. LOZANO-BATISTA
17 Attorneys for Plaintiffs

18 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

19 Based upon the foregoing Ex Parte Application for Continuance of Case Management
20 Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to
21 Continue Case Management Conference, the Court orders a continuance of the Case Management
22 Conference for 90 days, or as soon thereafter as a court date is available. In addition, the Court

23 orders: Case Management Conference is
24 continued to September 27, 2012
25 at 10:00 a.m., Courtroom B,
26 15th Flr.

27 Dated: June 5, 2012

28 
HONORABLE MARIA ELENA JAMES
United States District Court Judge

130385/670907

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26 corporation, individually and doing business as
27 PROTECH GENERAL CONTRACTING
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Defendant.

No. 12-cv-1047 MEJ

**DECLARATION OF CONCEPCIÓN E.
LOZANO-BATISTA IN SUPPORT OF
EX PARTE APPLICATION FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**

I, CONCEPCIÓN E. LOZANO-BATISTA, declare as follows:

1. I am a shareholder in the law firm of Weinberg, Roger & Rosenfeld, located at 1001 Marina Village Parkway, Suite 200, Alameda, California, 94501-1091, the attorneys for

1 Plaintiffs in this matter. I have knowledge of the facts stated in this Declaration and I could and
2 would testify competently thereto.

3 2. Plaintiffs filed their Complaint in this matter on February 23, 2012.

4 3. Since that time, Plaintiffs have attempted to serve Defendant with the Summons
5 and Complaint in this matter, but have been unable to do so.

6 4. Given these facts, Plaintiffs believe that the Case Management Conference set for
7 June 14, 2012 should be continued for ninety days in order to allow Plaintiffs additional time to
8 locate and serve Defendant.

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Dated: June 4, 2012

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12 WEINBERG, ROGER & ROSENFELD
A Professional Corporation

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14 By: /s/ Concepción E. Lozano-Batista
15 CONCEPCIÓN E. LOZANO-BATISTA
Attorneys for Plaintiffs

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